

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 4:04-cv-40249-FDS

REGINA ANKRAH AND ISAAC
OWUSU-AFRIYIE, AS CO-
EXECUTORS OF THE ESTATE OF
ANGELINA OWUSU-AFRIYIE,
Plaintiffs

v.

THE UNITED STATES OF AMERICA,
KENNETH K. GERWECK, M.D., AND
SANDRA L. SALERNO, R.N.
Defendant

**THE DEFENDANT, KENNETH K. GERWECK, M.D.'S TABLE OF AUTHORITIES IN
SUPPORT OF HIS MOTION FOR SUMMARY JUDGMENT**

1. Fed. R. Civ. P. 56(c)
2. M.G.L. c. 258 § 2.
3. M.G.L.c. 229 § 1 et seq.
4. M.G.L.c. 75 §§ 1, 34.
5. *McNamara v. Honeyman*, 406 Mass. 43, 47-48 (1989).
6. *Nebraska v. Wyoming*, 507 U.S. 584, 590 (U.S. 1993).
7. *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986).
8. *C.K. Smith & Co. v. Motiva Enters. LLC*, 269 F.3d 70, 73 (1st Cir. 2001).
9. *Rochester Ford Sales, Inc. v. Ford Motor Co.*, 287 F.3d 32, 38 (1st Cir. 2002).
10. *Gillen v. Fallon Ambulance Serv.*, 283 F.3d 11, 26 (1st Cir. 2002).
11. *Gallace v. U.S. Dep't of Agric.*, 273 F. Supp. 2d 53, 57 (D.D.C. 2003), *aff'd per curiam*, 2003 U.S. App. LEXIS 20074 (D.C. Cir. 2003).
12. *Thompson Everett, Inc. v. National Cable Advertising, L.P.*, 57 F.3d 1317, 1323 (4th Cir. 1995).

13. *Northwestern Nat'l Ins. Co. v. Corley*, 503 F.2d 224, 230 (7th Cir. 1974)
14. *Freeman v. Continental Gin Co.*, 381 F.2d 459, 470 (5th Cir. 1967).
15. 28 U.S.C. § 1331.
16. 28 U.S.C. § 1367.
17. *Dykes v. Depuy, Inc.*, 140 F.3d 31, 39 (1st Cir. 1998).
18. *Erie R.R. Co. v. Tompkins*, 304 U.S. 64 (1938).
19. *Pruner v. Clerk of the Superior Court in the County of Norfolk*, 382 Mass. 309, (1981).
20. *Schenker v. Binns*, 18 Mass. App. Ct. 404 (1984).
21. *Kelly v. Rossi*, 395 Mass. 659, 661 (1985).
22. *Williams v. Hartman*, 413 Mass. 398, 400 (1992).
23. *Cowan v. Eastern Racing Assoc., Inc.*, 330 Mass. 135, 141-142 (1953).
24. *Khoury v. Edison Electric Illuminating Co.*, 265 Mass. 236, 238 (1928).
25. *Williams v. Bresnahan*, 27 Mass. App. Ct. 191, 192 (1989).
26. M.G.L.c. 258 § 1.
27. *Hannigan v., New Gamma-Delta Chapter of Kappa Sigma Fraternity*, 367 Mass. 658, 659 (1975).
28. *Robinson v. Commonwealth*, 32 Mass. App. Ct. 6, 9 (1992).
29. M.G.L.c. 75 § 8.
30. M.G.L.c. 75 § 13.
31. M.G.L.c. 75 § 14.
32. M.G.L.c. 75 §§ 25, 26, 27.

The Defendant,
KENNETH K. GERWECK, M.D.

By His Attorneys,
MORRISON MAHONEY LLP

/s/ Dennis R. Anti, Esquire

/s/ Heather G. Beattie, Esquire
Dennis R. Anti, Esquire, BBO#545898
Heather G. Beattie, Esquire, BBO#643197
1500 Main Street, Suite 2400
P.O. Box 15387
Springfield, MA 01115-5387
(413) 737-4373
(413) 739-3125 (Fax)

Dated:

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on (date).

/s/ Heather G. Beattie, Esquire
Heather G. Beattie, Esquire
BBO#: 643197